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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/750,104

12/29/2000

Samuel N. Zellner

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07/17/2007

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EXAMINER

SHERKAT, AREZOO

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/750,104

Applicant(s)

ZELLNER ET AL.

Examiner

Arezoo Sherkat

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/24/2007 has been entered.

Response to Amendment

This office action is responsive to Applicant's amendment received on 4/24/2007. Claims 1-46 are cancelled. Claims 47-62 are added. Claims 47-62 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 47, 51-53, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Berger et al., (U.S. Patent No. 6,196,846 and Berger hereinafter).

Regarding claims 47 and 53, Berger discloses a system for enabling an outside entity to control devices at a location, the system comprising:

an interface to a communication network, the communications network adapted to communicate with an internal computer system associated with the location, the internal computer system being associated with a sensing apparatus that can detect a triggering event at the location, the internal computer system being further associated with a device that can be controlled by the outside entity via the internal computer system (col. 8, lines 48-67 and col. 9, lines 1-23), and logic configured to receive an indication associated with an occurrence of the triggering event (col. 9, lines 24-36), wherein responsive to the sensing apparatus detecting the triggering event, the internal computer system establishes a voice-over-Internet-protocol communication session with the outside entity via a communications network in communication with the location (col. 10, lines 15-54), the communications network including wherein the triggering event activates an ability to allow control to be assigned to the outside entity (col. 2, lines 26-43).

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Regarding claim 51, Berger discloses further comprising logic configured to transfer a session to a second outside entity (i.e., workstation agent 14)(col. 10, lines 15-39).

Regarding claim 52, Berger discloses wherein the second outside entity is a public safety answering point (i.e., workstation agent 14)(col. 10, lines 15-39).

Regarding claim 55, Berger discloses wherein at least one communication device is wireless (col. 7, lines 15-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48-50 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al., (U.S. Patent No. 6,196,846 and Berger hereinafter), in view of Gaos, (U.S. Publication No. 2003/0046689).

Regarding claims 48 and 54, Berger does not explicitly disclose wherein at least a portion of the communications session is secure.

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However, Gaos discloses wherein at least a portion of the communications session is secure (par. 161-170).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Berger with teachings of Gaos because it would allow to include secure communications as disclosed by Gaos. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Gaos to provide secure connections to commercial banks (Gaos, par. 144).

Regarding claims 49-50, Berger does not explicitly disclose wherein the security utilizes a digital certificate.

However, Gaos discloses wherein the security utilizes a digital certificate (par. 161-170).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Berger with teachings of Gaos because it would allow to include secure communications as disclosed by Gaos. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Gaos to provide secure connections to commercial banks (Gaos, par. 144).

Claims 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al., (U.S. Patent No. 6,196,846 and Berger hereinafter), in view of Kite, (U.S. Patent No. 6,792,263).

Regarding claims 56-58, Berger does not explicitly disclose wherein the location is associated with a moving object.

However, Kite discloses on-board vehicle navigation, communication and infotainment systems, such as ONSTAR or VIRTUAL ADVISOR, have been developed that allow communication from cars and other vehicles (col. 23, lines 34-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Berger with teachings of Kite because it would allow to include on-board vehicle navigation and communication from cars and other vehicles as disclosed by Kite. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Kite to facilitate communications and help avoid driver distraction [by providing navigation information/instructions](Kite, col. 23, lines 34-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kite, (U.S. Patent No. 6,792,263), in view of Gaos, (U.S. Publication No. 2003/0046689).

Regarding claims 59-62, Kite discloses a monitoring and control apparatus at a location, the apparatus comprising: an internal computer system associated with the location, a wireless interface to a sensing element to monitor a location, a communication processor to communicate with an outside entity via a communications network, a control module allowing an outside entity to control the operations of the devices associated with a local area network, wherein the devices include VoIP capable devices and television (col. 22, lines 38-67 and col. 23, lines 1-61).

Kite does not explicitly disclose wherein the communications utilizes a secure tunnel and the outside entity is authenticated.

However, Gaos discloses wherein the communications utilizes a secure tunnel and the outside entity is authenticated (par. 161-170).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Kite with teachings of Gaos because it would allow to include secure communications as disclosed by Gaos. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Gaos to provide secure connections to commercial banks (Gaos, par. 144).

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Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the attached PTO-892 for a complete listing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arezoo Sherkat
Patent Examiner
Group 2131
June 7, 2007


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